

ACTION WHA-00 RELEASED IN PART

UNCLASSIFIED

B1, 1.4(D)

INFO	LOG-00	NP-00	AID-00	AMAD-00	A-00	CCO-00	CIAE-00
	CTME-00	INL-00	DODE-00	DOEE-00	PERC-00	SRPP-00	DS-00
	EB-00	EUR-00	VC-00	OBO-00	TEDE-00	INR-00	IO-00
	JUSE-00	LAB-01	L-00	VCE-00	M-00	AC-00	DCP-01
	NSAE-00	NSCE-00	OCS-01	OIC-02	OMB-01	DHS-00	OPIC-01
	OPR-01	PA-00	PM-00	PRS-00	ACE-00	P-00	SCT-00
	SP-00	IRM-00	SSO-00	SS-00	STR-00	TRSE-00	USIE-00
	USSS-00	ECA-00	PMB-00	DSCC-00	PRM-00	DRL-00	G-00
	NFAT-00	SAS-00	/008W				

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R 251030Z SEP 03
 FM AMEMBASSY CARACAS
 TO SECSTATE WASHDC 3049
 INFO AMEMBASSY BOGOTA
 AMEMBASSY BRASILIA
 AMEMBASSY LIMA
 AMEMBASSY LISBON
 AMEMBASSY MADRID
 AMEMBASSY MEXICO
 AMEMBASSY QUITO
 AMEMBASSY SANTIAGO
 USCINCSO MIAMI FL

C O N F I D E N T I A L CARACAS 003256

NSC FOR SHANNON
 USCINCSO ALSO FOR POLAD

E.O. 12958: DECL: 06/03/2013
 TAGS: PGOV, PHUM, VE
 SUBJECT: GETTING AWAY WITH MURDER: THE PUENTE LLAGUNO CASE

REF: CARACAS 1746

Classified By: AMBASSADOR CHARLES S. SHAPIRO FOR REASONS 1.5 (B) AND (D)
)

 SUMMARY

1. (C) On September 17, a judge dismissed all charges against four men who were videotaped shooting at an opposition march on April 11, 2002, in which 18 people were killed and scores more injured. Journalist Luis Alfonso Fernandez who reported from the scene of the shooting while his cameraman filmed it and testified for the prosecution during the trial, has

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: APPEALS REVIEW PANEL
 APPEAL ACTION: ADDITIONAL INFORMATION RELEASED
 REASON(S): B1, 1.4(D)
 DATE/CASE ID: 02 OCT 2007 200404750

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UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: MELVIN E SINK
 DATE/CASE ID: 30 JUN 2005 200404750

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received credible death threats linked to his testimony since the judge's decision.

END SUMMARY.

SHOOT OUT AT OK CORRAL

2. (U) Declaring that they had acted in self-defense, Judge Alfredo Baptista cleared the Puente Llaguno shooters of all charges against them on September 17. On April 11, 2002, Richard Penalver, Rafael Cabrices, Nicolas Rivera and Henry Atencio among others were caught on film firing from Llaguno Bridge on pro-opposition marchers as they approached the presidential palace. The four men were the only ones who could be positively identified among the many shooters on the videotape. Government supporters claimed that they were returning fire from gunmen in the crowd of marchers who had shot first. At least 18 unarmed marchers were killed by gunfire. The court declared the videotape inadmissible evidence in the case, and in April 2003, a judge released the four citing insufficient evidence to detain them during the court proceedings.

3. (C) In spite of witness testimony and the videotape of their actions, the shooters were not charged with homicide, but rather with public intimidation, resisting authority, and unlawful use of firearms. According to news reports, relatives of the victims were not permitted to testify in the trial. In a press conference, prosecutor Danilo Anderson declared the verdict "unjust" and announced that he will appeal the public intimidation charge ruling.

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5. (U) Commenting on the trial's outcome, Chavez saluted the four. He praised them for having "the courage to confront, with only their pistols, sharpshooters and terrorists dressed as policemen who were firing heavy weaponry." The President said the gunmen "...deserve the honor and recognition of the people, and we're very glad they can now go home."

COMMENT

Shapiro

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